Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (PREVIOUSLY PRESENTED) A method of treating cancer comprising administering, to a subject having cancer, an adenovirus having mutated VAI and VAII RNA genes, wherein said adenovirus is defective in its VAI and VAII virus-associated RNAs and will selectively replicate in cells of said cancer.

2. – 3. (CANCELLED)

4. (CURRENTLY AMENDED) The method according to Claim 1, wherein said adenovirus further has mutations in one or both of E1a or E1b, ~~more genes of the group E1a, E1b, and E4,~~ to obtain selective replication in tumors.

5. (CANCELLED)

6. (PREVIOUSLY PRESENTED) The method according to Claim 1, wherein said adenovirus has mutations in the VA RNA genes to obtain selective replication in tumor cells with an active Ras pathway or unresponsive to interferon.

7. (PREVIOUSLY PRESENTED) The method according to Claim 1, wherein said adenovirus further has at least one modification in its capsid to increase its infectivity or to direct it to a receptor present on a tumor cell.

8. (PREVIOUSLY PRESENTED) The method according to Claim 1, wherein said adenovirus has mutations in the VA RNA genes that confer selective replication in tumor cells and further comprises at least one other gene useful in cancer gene therapy .

9. (PREVIOUSLY PRESENTED) The method according to Claim 1, wherein said adenovirus is a human adenovirus derived from a serotype between 1 and 50, inclusive, that has both a VAI gene and a VAII gene .

10. (PREVIOUSLY PRESENTED) The method according to Claim 9, wherein said adenovirus is a human adenovirus derived from serotype 5.

11. (CANCELLED)

12. (PREVIOUSLY PRESENTED) The method according to Claim 8, wherein the gene useful in cancer gene therapy is selected from the group consisting of prodrug activators, tumor suppressors, and immunostimulants.

13. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the subject is a human.

14. (PREVIOUSLY PRESENTED) The method of claim 4, wherein said mutation in one or more genes in the group of E1a, E1b, and E4 is a mutation in a promoter region.

15. (PREVIOUSLY PRESENTED) The method of claim 14, wherein said mutation in a promoter region is an insertion of a promoter that is selectively active in tumor cells.

16. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the cancer cells have an active ras pathway.

17. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the cancer cells are unresponsive to interferon.

18. (CURRENTLY AMENDED) ~~The method of claim 1, wherein said mutated VAI and VAII RNA genes comprise~~ A method of treating cancer comprising administering, to a subject having cancer, an adenovirus comprising:

(A) one or a combination of (i) a mutation within a VAI ~~or VAII~~ gene; (ii) a mutation in a sequence before a VAI ~~or VAII~~ gene that controls the expression of said gene; or (iii) a mutation in a sequence after a VAI ~~or VAII~~ gene that controls termination of transcription of said gene, and

(B) one or a combination of (i) a mutation within a VAII gene; (ii) a mutation in a sequence before a VAII gene that controls the expression of said gene; or (iii) a mutation in a sequence after a VAII gene that controls termination of transcription of said gene, wherein said mutations result in defective VAI and VAII virus-associated RNAs, and wherein said adenovirus will selectively replicate in cells of said cancer.

19. (PREVIOUSLY PRESENTED) The method of claim 1, wherein the adenovirus is a human adenovirus.